

COUNTY OF SAN DIEGO
STATEMENT OF PROCEEDINGS
REGULAR MEETING OF BOARD OF SUPERVISORS
WEDNESDAY, APRIL 5, 2000

Meeting was called to order at 9:10 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Ron Roberts, Vice Chairman; Greg Cox; Pam Slater; and Bill Horn; also Thomas J. Pastuszka, Clerk.

Board of Supervisors' Agenda Items

1. CONTINUED NOTICED PUBLIC HEARING:
AMENDMENT TO THE 4S RANCH SPECIFIC PLAN (VOLUME I) SPA 99-003,
TENTATIVE MAP TM 5180 INCLUDING THE VACATION OF AN OPEN
SPACE EASEMENT AND MODIFICATION OF A SITE PLAN S89-067W¹, SAN
DIEGUITO COMMUNITY PLAN AREA
(CARRYOVER FROM 3/22/00 AGENDA NO. 6)
2. NOTICED PUBLIC HEARING:
PUBLIC HEARING ON AGRICULTURAL ISSUES GENERAL PLAN
AMENDMENT GPA 96-03 AND IMPLEMENTING REZONE R99-010
3. FALLBROOK COMMUNITY AIRPARK – FALLBROOK AIRPARK
DEVELOPMENT CORPORATION – NEW AVIATION LEASE FOR FIXED
BASED OPERATOR
[FUNDING SOURCE IS THE AIRPORT ENTERPRISE FUND]
(4 VOTES)
4. RESOLUTIONS SETTING FIRE MITIGATION FEE CEILINGS IN COUNTY
SERVICE AREA NOS. 107, 109, 110, 111, 112, AND 113
[FUNDING SOURCE IS DEVELOPER FEES]
5. AMENDMENT OF HOUSEHOLD HAZARDOUS WASTE FACILITY USE
AGREEMENTS WITH THE CITIES OF POWAY AND VISTA
[FUNDING SOURCE IS THE SOLID WASTE MANAGEMENT AGREEMENT
FEE]
6. ADVERTISE AND AWARD CONTRACTS FOR CONSTRUCTION OF CURB
AND GUTTER IMPROVEMENTS ON NIBLICK DRIVE AND PAR DRIVE IN
BROOKSIDE AND ON TIM STREET IN BONITA
[FUNDING SOURCES ARE GAS TAX AND TRANSNET EXCHANGE FUNDS]
(4 VOTES)

7. APPLICATIONS FOR A FEDERAL AIRPORT IMPROVEMENT PROGRAM
GRANT AND STATE AIRPORT IMPROVEMENT MATCHING GRANT FOR
GILLESPIE FIELD AND BORREGO VALLEY AIRPORT
[FUNDING SOURCES ARE FEDERAL AIRPORT IMPROVEMENT PROGRAM
THE STATE AIRPORT IMPROVEMENT MATCHING GRANT PROGRAM AND
THE AIRPORT ENTERPRISE FUND]
 8. INDEMNIFICATION FOR VOLUNTARY TRAIL EASEMENTS
 9. CLOSED SESSION
 10. PUBLIC COMMUNICATIONS
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1. **SUBJECT: CONTINUED NOTICED PUBLIC HEARING:
AMENDMENT TO THE 4S RANCH SPECIFIC PLAN (VOLUME I)
SPA 99-003, TENTATIVE MAP TM 5180 INCLUDING THE VACATION
OF AN OPEN SPACE EASEMENT AND MODIFICATION OF A SITE
PLAN S89-067W¹, SAN DIEGUITO COMMUNITY PLAN AREA
(CARRYOVER FROM 3/22/00 AGENDA NO. 6)
(Supv. Dist: 3)**

OVERVIEW:

On March 22, 2000 (6), your Board continued the Hearing to April 5, 2000.

This is a request to amend Volume I of the 4S Ranch Specific Plan (SPA 99-003) to increase the number of permitted single-family dwellings from 141 units to 147 units within the residential development known as Bernardo Point together with a Tentative Map (TM 5180) proposing the subdivision of 2.85 acres into nine single-family lots. Also included is a modification of a Site Plan (S89-067) which establishes setbacks and architectural design for the houses which would be constructed on the lots and the vacation of an open space easement. The site is subject to the (21) Specific Plan Area (1.75 du/ac) General Plan Designation and the RS9 (single-family residential, 8.71 du/ac) Land Use Regulation. The property is located on the north side of Rancho Bernardo Road west of and at the southerly terminus of Patina Street in the San Dieguito Community Plan Area.

FISCAL IMPACT:

Not applicable.

RECOMMENDATION:

PLANNING COMMISSION:

The Planning Commission, by a vote of 3 Ayes, 1 No, and 1 Abstention to approve staff recommendation, failed to make a recommendation on this project.

RECOMMENDATION:

DEPARTMENT OF PLANNING AND LAND USE:

1. Find that the Environmental Impact Report (EIR) on file in the Department of Planning and Land Use as Log No. 89-08-062 has been adopted in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project and that the EIR reflects the independent judgment and analysis of the Board of Supervisors and;
2. Find that there are no changes in the project, or in the circumstances under which it is undertaken, that involve significant new environmental impacts which were not considered in the previously certified EIR, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said EIR was prepared, pursuant to CEQA guidelines Section 15164 that the Board consider the Addendum to the EIR.

3. Adopt the Resolution approving SPA 99-003 which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan.
4. Adopt the attached Resolution approving TM 5180 which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State Law.
5. Approve Site Plan Modification S89-067W¹ for the reasons included in the staff report.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 00-97, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN AMENDMENT, SPA 99-003 4 S RANCH SPECIFIC PLAN 84-01 and Resolution No. 00-98, entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING CONDITIONS FOR TENTATIVE MAP NO. TM 5180; adding the following additional conditions: "Prior to the issuance of a grading permit, the subdivider shall submit a conceptual plan showing the onsite and offsite grading of the entire knoll in one phase as described in the 4S Ranch Environmental Impact Report, to the satisfaction of the Director of Public Works. The grading plan shall specify that no grading permit shall be issued until both of the following have occurred: 1) The open space easement has been vacated through the recordation of a final map. 2) At least two years has passed from the date of the Board of Supervisors approval of this Tentative Map or upon recordation of 4S Ranch Final Map for the knoll."

AYES: Cox, Jacob, Slater, Roberts

NOES: Horn

2. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING ON AGRICULTURAL ISSUES GENERAL PLAN
AMENDMENT GPA 96-03 AND IMPLEMENTING REZONE R99-010
(Supv. Dist: All)**

OVERVIEW:

The proposed project is a publicly initiated amendment to the Regional Land Use Element, Conservation Element, Open Space Element, community and subregional texts and maps of the County General Plan and Implementing Rezone. The proposed amendments are in response to a Writ of Mandate dated January 24, 1996, in the Save Our Forest and Ranchlands (SOFAR) v. County of San Diego lawsuit (Case No. 676630).

FISCAL IMPACT:

Not applicable.

BUSINESS IMPACT STATEMENT:

The project will facilitate the establishment and continuation of agricultural uses and, therefore, will have a positive effect and contribute to the expansion of the agricultural industry in San Diego County currently valued at \$1.2 billion.

RECOMMENDATION:**PLANNING COMMISSION:**

On March 3, 2000, the Planning Commission's motion to recommend that the Board of Supervisors adopt staff's recommendation to approve GPA 96-03 and the Implementing Rezone R99-010 failed (3-2 with two Commissioners absent). The Planning Commission subsequently voted 5-0 (two Commissioners absent) to forward Department of Planning and Land Use's report and recommendations to the Board, and that the report identify each Planning Commissioner's concerns and position regarding GPA 96-03.

RECOMMENDATION:**DEPARTMENT OF PLANNING AND LAND USE:**

That the Board of Supervisors take the following action:

1. Certify that the Final Environmental Impact Report (EIR) dated January 24, 2000 has been completed in compliance with the California Environmental Quality Act (CEQA), reflects the Board of Supervisors' independent judgment and analysis and was presented to the Board and the Board has reviewed and considered the information contained in the Final EIR prior to approving the project; adopt the General Findings, the CEQA Findings Concerning Mitigation of Significant Environmental Effects of the Project, and the Statement of Overriding Considerations and find that the project is consistent with the Multiple Species Conservation Program.
2. Adopt a Resolution approving GPA 96-03 for the reasons stated therein and discussed in the report.
3. Adopt an Ordinance R99-010 approving a change of minimum parcel size and density of land in the (20) Land Use Designation.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox, the Board of Supervisors closed the Hearing; certified that the Final Environmental Impact Report (EIR) dated January 24, 2000 has been completed in compliance with the California Environmental Quality Act (CEQA), reflects the Board of Supervisors' independent judgment and analysis and was presented to the Board and the Board has reviewed and considered the information contained in the Final EIR prior to approving the project; adopted the General Findings, the CEQA Findings Concerning Mitigation of Significant Environmental Effects of the Project, and the Statement of Overriding Considerations and found that the project is consistent with the Multiple Species Conservation Program; adopting Alternative I to read as follows: West of the CWA boundary

one per ten, between CWA boundary and plant climate line, one per 40 and east of the plant climate line, one per 40, with a total dwelling unit build out of 4,849 potential with 12,252 people; adopting Resolution No. 00-99, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT GPA 96-03, and adopting Ordinance No. 9143 (New Series) entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY IN THE (20) GENERAL AGRICULTURE LAND USE DESIGNATION TO IMPLEMENT GENERAL PLAN AMENDMENT 96-03; further directed the Chief Administrative Officer to review agricultural issues during the comprehensive update; directed Chief Administrative Officer to come back with a subsequent report identifying how many acres there are in San Diego County under the Williamson Act; further directed the Chief Administrative Officer to investigate the availability of tax incentives or tax breaks both locally and at the state level to make it more viable for farming to exist in San Diego County.

AYES: Cox, Slater, Roberts

RECUSE: Jacob, Horn

3. **SUBJECT: FALLBROOK COMMUNITY AIRPARK – FALLBROOK AIRPARK DEVELOPMENT CORPORATION – NEW AVIATION LEASE FOR FIXED BASED OPERATOR**
(Supv. Dist: 5)

OVERVIEW:

In August 1999, County Airports issued a Request for Proposal for a fixed-based operation to be located at Fallbrook Community Airpark to replace the existing fixed based operator, whose lease expires on March 31, 2000. The successful proposer was Fallbrook Airpark Development Corporation.

The proposed ground lease with Fallbrook Airpark Development Corporation will allow development of a new fixed based operation on an 11.27 acre parcel. The proposed lease has a commencement date of May 10, 2000 and an expiration date of May 9, 2030. Fallbrook Airpark Development plans to construct additional hangar space, a maintenance facility, aviation offices, flight school, self-serve fuel facility and restaurant. All improvements will revert to the County at lease expiration or termination. Other benefits include construction of a public access road and transient ramp to be owned by the County. The Lessee plans to invest a minimum of \$1.69 million.

The Board is requested to approve the new ground lease with Fallbrook Airpark Development Corporation.

FISCAL IMPACT:

The funding source is the Airport Enterprise Fund. If approved, this request will result in additional revenue during Fiscal Year 1999-00 of approximately \$5,672 (one month plus 21 days of rental), and \$40,633 during Fiscal Year 2000-01 (full year rental). There will also be revenue based on percentage rent from the restaurant operation and additional rent of 5 percent

assessed against the Lessee's gross income from commercial subleases on the premises; dollar figures are unknown at this time. There will be no annual cost or additional staff years required.

BUSINESS IMPACT STATEMENT:

The proposed lease will have a positive effect on business by offering additional office and commercial hangar space for aviation businesses to locate at Fallbrook Community Airpark.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Find in accordance with Section 15061(b)(3) of the CEQA Guidelines, that the proposed new lease is categorically exempt from provisions of the guidelines because it can be seen with certainty it involves negligible expansion of use beyond the previously existing use and will not have a significant effect on the environment.
2. Approve and authorize the Clerk of the Board to execute three copies of the lease with Fallbrook Airpark Development Corporation for 30 years at a base rent of \$3,381 per month, with annual cost of living adjustments tied to the Consumer Price Index, not to exceed 6 percent. (4 VOTES).

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

4. **SUBJECT: RESOLUTIONS SETTING FIRE MITIGATION FEE CEILINGS IN COUNTY SERVICE AREA NOS. 107, 109, 110, 111, 112, AND 113**
(Supv. Dist: 2,3,5)

OVERVIEW:

The Fire Mitigation Fee Program provides financing for projects such as station construction and expansion and purchase of additional fire or emergency apparatus to allow fire departments to provide adequate protection to areas impacted by new growth and development. To establish participation in the Fire Mitigation Fee Program, resolutions must be adopted annually indicating each department's need for funds and inability to provide sufficient funding through other sources to accommodate increased need for protection due to new development. This is a request to provide new resolutions to implement the program as required by the Fire Mitigation Fee Ordinance. Resolutions were last adopted April 13, 1999 (8).

FISCAL IMPACT:

Funding source is developer fees. If approved, this request will have no fiscal impact on the County General Fund in the current or subsequent years, and will require no additional staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Find these actions are exempt from provisions of the California Environmental Quality Act (CEQA) Section 15061(b)(1) because they are not projects as defined in Section 15378.
2. Adopt Resolutions Making Required Findings and Setting Percentage of Fire Mitigation Fee Ceiling in County Service Areas No. 107 – Elfin Forest; No. 109 – Mount Laguna; No. 110 – Palomar Mountain; No. 111 – Boulevard; No. 112 – Campo; and No. 113 – San Pasqual.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, on Consent, adopting the following Resolutions entitled:

- No. 00-100 RESOLUTION MAKING REQUIRED FINDINGS AND SETTING THE PERCENTAGE OF FIRE MITIGATION FEE CEILING IN COUNTY SERVICE AREA NO. 107-ELFIN FOREST
- No. 00-101 RESOLUTION MAKING REQUIRED FINDINGS AND SETTING THE PERCENTAGE OF FIRE MITIGATION FEE CEILING IN COUNTY SERVICE AREA NO. 109-MT. LAGUNA
- No. 00-102 RESOLUTION MAKING REQUIRED FINDINGS AND SETTING THE PERCENTAGE OF FIRE MITIGATION FEE CEILING IN COUNTY SERVICE AREA NO. 110-PALOMAR MOUNTAIN
- No. 00-103 RESOLUTION MAKING REQUIRED FINDINGS AND SETTING THE PERCENTAGE OF FIRE MITIGATION FEE CEILING IN COUNTY SERVICE AREA NO. 111-BOULEVARD
- No. 00-104 RESOLUTION MAKING REQUIRED FINDINGS AND SETTING THE PERCENTAGE OF FIRE MITIGATION FEE CEILING IN COUNTY SERVICE AREA NO. 112-CAMPO
- No. 00-105 RESOLUTION MAKING REQUIRED FINDINGS AND SETTING THE PERCENTAGE OF FIRE MITIGATION FEE CEILING IN COUNTY SERVICE AREA NO. 113-SAN PASQUAL

AYES: Cox, Jacob, Slater, Roberts, Horn

5. **SUBJECT: AMENDMENT OF HOUSEHOLD HAZARDOUS WASTE FACILITY USE AGREEMENTS WITH THE CITIES OF POWAY AND VISTA**
(Supv. Dist: All)

OVERVIEW:

The Department of Environmental Health is seeking Board authorization to amend the Household Hazardous Waste Facility Use Agreements with the Cities of Poway and Vista. Each city operates a Household Hazardous Waste Facility, and this agreement extends collection and disposal services to residents in the unincorporated areas. Increased participation at the permanent Household Hazardous Waste collection facilities and larger load sizes have increased disposal costs. It is estimated the contract expenditure limits of \$67,500 for each city's facility will be exceeded in the current fiscal year. This amendment would increase the limit of contract expenditures to an amount not to exceed \$110,000 for each city's facility for Fiscal Year 1999-2000.

FISCAL IMPACT:

Funds for this request are budgeted in the Department of Environmental Health. The funding source is the Solid Waste Management Agreement Fee. If approved, this request will result in an estimated increase of \$85,000 in costs for FY99-00. The total expenditure for this contract is estimated at \$220,000 for FY99-00, and \$220,000 for any optional year the contract is renewed. This request will require the addition of no staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Authorize the Director, Department of Environmental Health, as agent of the County, to execute amendments to the Use Agreements with the Cities of Poway and Vista to increase the total contract expenditure to an amount not to exceed \$110,000 per city, per fiscal year.
2. Authorize the Director of Environmental Health to execute additional amendments, extensions, and/or revisions thereof, that do not materially impact or alter either the program or the funding level, and to exercise options to renew the agreement for subsequent years at the FY99-00 agreement amount.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

6. **SUBJECT: ADVERTISE AND AWARD CONTRACTS FOR CONSTRUCTION OF CURB AND GUTTER IMPROVEMENTS ON NIBLICK DRIVE AND PAR DRIVE IN BROOKSIDE AND ON TIM STREET IN BONITA**
(Supv. Dist: 1,2)

OVERVIEW:

Niblick Drive/Par Drive, and Tim Street projects are in the Department of Public Works Detailed Work Program. The project on Par and Niblick Drives in Brookside will remove and replace damaged curbs, gutters and driveways. The Tim Street project in Bonita will remove and replace asphalt concrete dike and pavement. These projects will improve pedestrian safety and access to driveways and reduce routine maintenance costs.

This is a request to approve advertisement and subsequent award of two contracts to construct curb and gutter improvements. It is also a request to establish appropriations in the amount of \$45,000 for the Tim Street project. The estimate for this project was adjusted during the current fiscal year.

FISCAL IMPACT:

Funds for these projects are budgeted in the Detailed Work Program for fiscal year 1999-2000. Funding sources are Gas Tax and TransNet Exchange funds. If approved, this request will result in a total current year costs of \$219,000 for Par Drive and Niblick Drive, and \$145,000 for Tim Street. The Tim Street project was inadequately budgeted, and requires additional appropriations of \$45,000 available in the TransNet Exchange Fund. The request will have no annual cost and will require no additional staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Find in accordance with section 15302 of the California Environmental Quality ACT (CEQA) Guidelines that these projects are categorically exempt from provisions of the guidelines since they consist of minor alterations or repair of existing public roads and sidewalks with no increase in capacity.
2. Establish appropriations in the amount of \$45,000 Org 5766, account 2324, task 324 and activity 1C8002 (Tim Street). (4 VOTES)
3. Authorize the Deputy Director, Purchasing and Contracting, to take actions authorized by Section 398.17.3(a) of the Administrative Code with respect to contracting for the subject public works projects.
4. Designate the Director of the Department of Public Works as the County Officer responsible for administering the construction contracts.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

7. **SUBJECT: APPLICATIONS FOR A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT AND STATE AIRPORT IMPROVEMENT MATCHING GRANT FOR GILLESPIE FIELD AND BORREGO VALLEY AIRPORT**
(Supv. Dist: 2, 5)

OVERVIEW:

The Federal Aviation Administration Airport Improvement Program provides 90 percent grant funding for qualified projects. The State Division of Aeronautics offers Airport Matching Grants to eligible airports to assist sponsors in meeting the local 10 percent match, offering up to 5 percent of the amount of the federal grant.

An overlay of Runway 27L/9R at Gillespie Field, and installation of an automated weather observation system and slurry seal of Runway/Taxiways at Borrego Valley Airport are eligible for these grant programs. The weather observation system and slurry seal projects have already received federal funding in the amount of \$350,000. All three projects will enhance the airports' ability to serve the flying public.

The Board is requested to approve application and acceptance of grants in the amount of \$483,390 from the Federal Aviation Administration Airport Improvement Program for the overlay at Gillespie Field; and \$41,670 from the State Airport Improvement Matching Grant Program for all three projects.

Successful competition for federal grant funds will provide 90 percent of the funding requirements. State matching grant funds will provide 5 percent of the Federal Aviation Administration grant amounts. The remaining costs will be funded by the Airport Enterprise Fund.

FISCAL IMPACT:

Funds for these projects are budgeted in the Airport Enterprise Fund Program Budget. Funding sources are the Federal Airport Improvement Program (\$888,200), the State Airport Improvement Matching Grant Program (\$44,410), and the Airport Enterprise Fund (\$136,390). If approved, this request will result in cumulative current year revenue of \$17,500 (State Matching AIP Funds for Slurry Seal and Automated Weather Observation System at Borrego Valley Airport), no annual costs and will require no additional staff years. There will be no impact to the County General Fund.

Runway 27L/9R at Gillespie Field

Total cost of this project is estimated at \$537,100. Federal AIP grant funds will cover 90% (\$483,390); State AIP Matching Grant Funds will cover \$24,170 and the balance of \$29,540 will be paid by the Airport Enterprise Fund. These figures represent the most recent estimates, rather than current year budget figures, which total \$598,000 for this project. The FY 2000-01 budget will be adjusted to reflect this more accurate estimate.

Slurry Seal and Weather Observation System at Borrego Valley Airport

Total cost of this project is estimated at \$471,000. Actual amount (\$350,000) received from the FAA for Slurry Seal and Markings of Runway/Taxiways and Installation of an Automated

Weather Observation System for Borrego Valley Airport was less than anticipated funding level of 90%. Difference between total project cost and grant received is \$121,000. State AIP Matching Grant funds will be \$17,500 with the balance of \$103,500 paid by the Airport Enterprise Fund.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Find in accordance with Section 15301 (d) of California Environmental Quality Act (CEQA) Guidelines, that the Overlay of Runway 27L/9R is categorically exempt from provisions of the Guidelines because the project will result in continued operation of an existing facility and involves no expansion of use beyond that previously existing.
2. Find that the Negative Declaration adopted by the Board of Supervisors on January 23, 1996 (9) for the Borrego Valley Airport Master Plan has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines. Since that time, no changes have occurred in the project or with respect to circumstances in which it is undertaken, nor have there been any significant changes in or around the project site.
3. Adopt a Resolution entitled Resolution Approving Applications and Grant Agreements for Federal and State Funding at Gillespie Field and Borrego Valley Airport.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 00-106, entitled: RESOLUTION APPROVING THE APPLICATIONS AND GRANT AGREEMENTS FOR FEDERAL AND STATE FUNDING AT GILLESPIE FIELD AND BORREGO VALLEY AIRPORT.

AYES: Cox, Jacob, Slater, Roberts, Horn

8. **SUBJECT: INDEMNIFICATION FOR VOLUNTARY TRAIL EASEMENTS**
(Supv. Dist: All)

OVERVIEW:

The County has been working to establish a system of non-motorized recreational trails for its citizens. The challenge has been to establish a quality trail system that is balanced with a respect for the rights of private property owners. In order to encourage voluntary participation by property owners, the County should consider providing immunity from legal liability.

This is a request for the Board of Supervisors to adopt an ordinance that would relieve private property owners from legal liability on a public trail easement crossing or adjacent to their land.

FISCAL IMPACT:

None.

RECOMMENDATION:
CHAIRWOMAN JACOB:

Direct the Chief Administrative Officer to return to the Board of Supervisors in 30 days with an ordinance that provides the following:

The County of San Diego will indemnify the owner of a parcel of land on which a trail has been voluntarily dedicated for public use as an equestrian, pedestrian, or other type of non-motorized recreational right of way, by final or partial map, or otherwise, and expressly accepted by the County of San Diego on behalf of the public, and the County shall indemnify the owner of any parcel adjacent to said trail, from all claims, demands or liability for injury to person or property that occurs on the trail when used for the aforementioned recreational uses, excluding injury occurring in any of the following circumstances:

1. The owner's willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity;
2. Where permission for recreational use when granted for a consideration other than the benefit received at the time of dedication;
3. Where the person suffering injury was expressly invited by the owner to use the trail for a recreational purpose rather than merely permitted to use it;
4. Where the person suffering injury is a member of the owner's household

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

9. **SUBJECT: Closed Session**
(Supv. Dist: All)

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Donna Daum v. Mental Health Systems, Inc., et al.; United States District Court No. 97-1698-L(JAH)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Louis Schneider v. County of San Diego, et al.; United States District Court No. 90-1738-H(POR)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
County of San Diego v. West Coast General Corp.; San Diego Superior Court No. 710321; Administrative Hearings Case No. A-0010-98
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Jacqueline Giles, et al. v. Bill Horn, et al.; San Diego Superior Court No. GIC733081

- E. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Anticipated litigation pursuant to section (c) of Government Code section 54956.9
No. of Potential Cases: 1

ACTION:

The Board of Supervisors in the matter of Donna Daum versus Mental Health Systems, Inc., et al., authorized County Counsel to settle the case on behalf of all County defendants in the amount \$35,000.

In the matter of Louis Schneider versus County of San Diego, et al. County of San Diego et al, the Board of Supervisors authorized the County to pay attorney fees in the amount of \$26,632 plus interest to end that matter as to that Court order.

In the matter of the County of San Diego versus West Coast General Corp. et al, the Board of Supervisors authorized County to reject plaintiff's settlement offer to pay the County \$20,000 that the County alleges that it owed to it.

In the matter of Theresa Aguilar et al versus Atlantic Richfield Corporation, the Board of Supervisors authorized County to participate as an Amicus in the matter to assist the plaintiff's in the petitioner for review to the Supreme Court.

10. **SUBJECT: Public Communication**
Don Stillwell addressed the Board regarding Wild Animal Park.

ACTION:

Heard; referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 5:10 p.m.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Notes by:
Andoh (Consent and Discussion)

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NOTE: This Statement of Proceedings sets forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

